



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
727/551-5730; (FAX) 727/551-5090
<http://sero.nmfs.noaa.gov>

Send via Fed-Ex with Receipt Notification

U.S. Environmental Protection Agency
Region 4 Freedom of Information
SNAFC Bldg, 61 Forsyth Street., S.W., 9th Flr
Atlanta, GA 30303-8960

Re: (FOIA) (NOAA Request 2008-00594)

Dear Sir:

Enclosed you will find a copy of a request for agency records under the Freedom of Information Act (FOIA), 5 USC 552, from J. Blanding Holman IV, Southern Environmental Law Center, addressed to NOAA's National Marine Fisheries Service (NMFS). The request asks for:

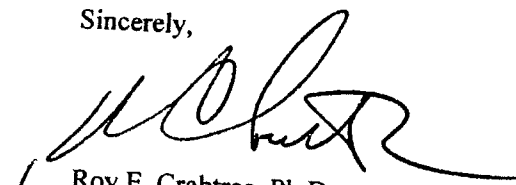
Any and all documents concerning or relating to the use of material from the Charleston Ocean Dredge Material Disposal Site (ODMDS) at the Charleston Naval Base Marine Container Terminal in Charleston, South Carolina.

We found one document (CD enclosed 2 pages) pertaining to this request that is the exclusive or primary concerns of the Environmental Protection Agency. Accordingly, per our governing regulations, 15 CFR Part 4, we hereby refer the requester to you for further action related to these documents. Please respond directly to the requester regarding these documents.

Enclosed is a copy of the final letter that was sent on behalf of NMFS.

Thank you for your attention to this matter. If you have any questions, please contact Michael E. Justen, National FOIA Officer, at 301-713 1364

Sincerely,


Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosures

cc:
F/MB2 - Justen, Burroughs
F/SER1 - Smith
GCSE - Deliz
OFA - Carter Johnson

Response Due: 1/26/09
Category: Other
APTMD SED
OPM 4 EAD
WMD OTHER
Special Instructions:

WASTE MANAGEMENT DIVISION
IMMEDIATE OFFICE

2009 JAN 13 P 10:48

RECEIVED





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National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701
(727) 551-5730; (FAX) (727) 824-5341
<http://sero.nmfs.noaa.gov/>

JAN 26 2009

F/SER1:MEJ
SER08-076
FOIA #2008-00594

J. Blanding Holman, Esq.
Southern Environmental Law Center
38 Broad Street, Suite 200
Charleston, SC 29401-3042

Dear Mr. Holman:

This letter is in response to your Freedom of Information Act (FOIA) request # 2008-00594 dated September 15, 2008, and received by the National Marine Fisheries Service (NMFS) on September 16, 2008. You specifically requested:

Any and all documents concerning or relating to the use of material from the Charleston Ocean Dredge Material Disposal Site (ODMDS) at the Charleston Naval Base Marine Container Terminal in Charleston, South Carolina.

We found 57 pages with responsive records to your request that originated from the National Marine Fisheries Service. Enclosed is a compact disk with this information in pdf format.

We found 41 pages of documents pertaining to this request that is the exclusive or primary concerns of the Army Corps of Engineers. Accordingly, per our governing regulations, 15 CFR Part 4, we hereby (copy enclosed) refer you to this agency for further action related to these documents.

We found three documents (3 pages) pertaining to this request that is the exclusive or primary concern of the U.S. Department of Interior, Minerals Management Service. Accordingly, per our governing regulations, 15 CFR Part 4, we hereby (copy enclosed) refer you to this agency for further action related to these documents.

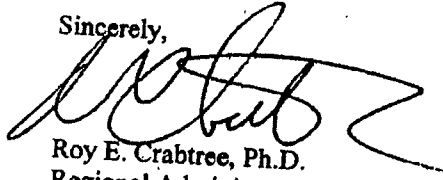
We found one document (2 pages) pertaining to this request that is the exclusive or primary concern of the U.S. Environmental Protection Agency. Accordingly, per our governing regulations, 15 CFR Part 4, we hereby (copy enclosed) refer you to this agency for further action related to this document.

According to 15 CFR part 4.11 (c) (2) (ii), you fall under the "Educational and Non-commercial Scientific Institution Requesters" category. Your chargeable fees are for duplication (excluding the cost as Scientific Institution Requesters of the first 100 pages). We also granted your request a fee waiver due to the public interest and the non profit nature of your organization.



If you have any questions, please contact Michael E. Justen, National FOIA Officer, at 301-713 1364.

Sincerely,



Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosures

cc: (w/o enclosure)
F/MB2 - Justen, Burroughs
F/SER1 - Smith
F/SER3 - Mincey
GCSE - Joy, Deliz
O/FA - Carter-Johnson

Re: Charleston ODMDS

Subject: Re: Charleston ODMDS
From: Kay Davy <Kay.Davy@noaa.gov>
Date: Mon, 29 Oct 2007 16:04:29 -0400
To: "Amato, Roger" <Roger.Amato@mms.gov>
CC: Pace Wilber <Pace.Wilber@noaa.gov>

Thanks for the info. We will wait to hear from you...

Kay

Amato, Roger wrote:

Hi Kay,

I think the consultation process should be started, since there is a good chance the project will move ahead. However, there is a wrinkle in that MMS does not have specific authority to lease the sand in the ODMDS. Language that would provide such an authorization has been sent to Sen. DeMint's Office so it can be attached to a bill, but we don't know when that will actually happen. In the mean time, I'm copying this to the 2 people in our office who are working on the project.

Roger

-----Original Message-----

From: Kay Davy [mailto:Kay.Davy@noaa.gov] **Sent:** Monday, October 29, 2007 1:17 PM
To: Amato, Roger
Subject: Charleston ODMDS

Hi Roger,

We recently learned that the South Carolina State Ports Authority is considering using sand from the Charleston ODMDS for fill at the newly permitted port facility on the Cooper River. If this is correct, we would like to suggest that EFH consultation be initiated as soon as possible so we can work through the details early on.

Thanks,
Kay

Pace Wilber wrote:

Hi Kay.

Could you contact Roger Amato to see what his plans are for the EFH consultation for the mining of sand from the Charleston ODMDS?

Pace

Collins.Garyw@epamail.epa.gov wrote:

OK:

looks like the consultant first worked with Barry Drucker and most recently with Roger Amato....hope this helps, please let me know how things progress....

thanks, Gary_

Gary W Collins
Biological Oceanographer
US EPA Region 4
61 Forsyth St., SW
Atlanta, Georgia 30303
404/562-9395 FAX 9343
Collins.GaryW@epa.gov

Kay Davy
NOAA Fisheries
Habitat Conservation Division